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No. 687

In the Supreme Court of the United States

OCTOBER TERM, 1936

HASKINS BROS. & CO., A CORPORATION, PETITIONER

v.

GEORGE W. O'MALLEY, INDIVIDUALLY, AND AS COLLECTOR OF INTERNAL REVENUE FOR THE DISTRICT OF NEBRASKA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT

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MEMORANDUM FOR THE RESPONDENT

We do not oppose the granting of a writ of certiorari in this case.

The sole question presented is the constitutionality of the taxes on the processing of Philippine coconut oil levied by Section 602½ of the Revenue Act of 1934. The District Court, holding the taxes to be constitutional, sustained a demurrer to the petition which sought recovery of taxes paid under that Act.

While we believe the District Court's decision is entirely correct, we feel that the public interest will be promoted by an early determination by this

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Court of the constitutionality of these taxes. Section 602½ of the Revenue Act of 1934 provides that all taxes collected under that section with respect to Philippine coconut oil shall be held as a separate fund and paid to the Treasury of the Philippine Islands. Because of this provision, an early final determination of the constitutionality of this statute is of vital importance to the people of the Philippine Islands and is important to the proper discharge by the United States of the authority, duties, and obligations retained by it under the Act of March 24, 1934, c. 84, 48 Stat. 456, U. S. C., Title 48, Secs. 1231–1247, which provides for the ultimate independence of the Philippine Islands.

It should be noted that the constitutionality of this tax is also at issue in the case of *Cincinnati Soap Co.* v. *United States*, No. 659, which is pending before this Court on petition for a writ of certiorari.

Respectfully submitted.

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FEBRUARY 1937.

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